

SECRETARY'S OFFICE

Fyi

Patrick McDonnell  
Acting Secretary, PA Department of Environmental Protection  
April 2, 2017

APR 17 2017

DEPARTMENT OF  
ENVIRONMENTAL PROTECTION

Dear Sir,

I am greatly concerned with the PADEP handling of the situation at the former Bishop Tube site in East Whiteland Township. As a neighbor in the General Warren Village who lives less than a quarter mile away from the site, I believe we, the PADEP and the local taxpayers, will incur greater costs than are anticipated. The methods that are being used by Constitution Drive Partners to achieve variances for high density residential development of the site are not transparent and are half measures that will leave the PADEP and the local taxpayers holding the bag. PADEP representation at the East Whiteland Township zoning board hearings has been non-existent and would be encouraging as well as informative to the department in the neighbors' concern over the remediation and usage of the site.

CDP, as far as I can read in the information that is available to us, is saying that they are responsible to remediate only the 3 "hot spots" under the existing manufacturing buildings and only to the water table. Has there been any serious investigation up the hill on the south side of the site? This is the same area that is steep slope and CDP wants to change the grade on and move soil to other areas of the site? What will be done when other wastes and contaminants are found and who is responsible for that remediation? Will the PADEP do this remediation and at what cost? There was a report on an incident with the air sparging equipment installed on the site being damaged in 2011? Was it repaired? I cannot find a report anywhere online that can confirm that past remediation efforts have reduced the contamination.

With construction activities at the site, the risk of airborne and waterborne contamination spreading is increased, which will affect more people northeast and east of the site. Storm water from this new development does not appear to be able to be metered and could easily send more contamination down to the Little Valley Creek and further downstream. CDP says they will install vapor mitigation systems in the new homes but the responsibility for operation and maintenance of these systems will be on the homeowners. Who is responsible if the contaminants left behind, which are in the bedrock and saturated soils, start making residents of the new houses sick? There have been many reported cancer cases in the General Warren Village from when Bishop Tube was in operation and afterwards. If this leads to lawsuits, the PADEP and the local taxpayers will suffer. Also, CDP is asking for 1 million dollars to remediate from the PADEP and taxpayers. I am very opposed to give anyone 1 million for an incomplete remediation, especially when it is not in PADEP, East Whiteland Township and General Warren Village's best interest.

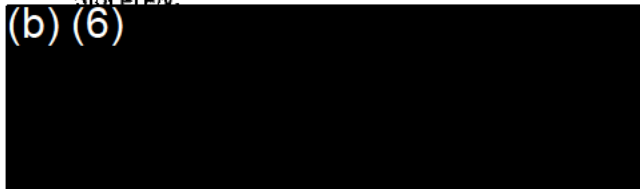
At the township meetings, CDP has said they are in close contact with the PADEP; why has this courtesy not been afforded to the neighbors that will have to live with the construction, new development and possible spread of contamination. Not hearing from the PADEP as well as CDPs' handling of the neighborhoods' concerns has rumors flying. Why was this proposal for high density residential development issued so soon after the last head of the PADEP southeast office resigned? Why

is this project being fast tracked when it has so much risk associated with it and whose costs will be borne by those who will profit the least from it; the PADEP and General Warren Village.

I am not against developing the site but it must be fully remediated. Residential, especially high density residential does not seem like the best use for an HSCA site with so many unknowns. I would be more in favor of commercial or light industrial as it would affect less people. I do not think many people would willingly live on top of a partially remediated industrial site with limited access and a view of a tank farm and railroads.

Sincerely,

(b) (6)





**pennsylvania**  
DEPARTMENT OF ENVIRONMENTAL  
PROTECTION

April 20, 2017

(b) (6)

Malvern, PA 19355

Re: Bishop Tube HSCA Site  
East Whiteland Township, Chester County

Dear (b) (6)

Thank you for your letter dated April 2, 2017, addressed to Acting Secretary Patrick McDonnell. We appreciate your concern regarding the proposed development of the Bishop Tube HSCA Site by the current owner of the property, Constitution Drive Partners L.P. (CDP).

While we understand that CDP is proposing residential development at the Site, CDP has not yet submitted any permit applications related to proposed development activities such as storm water management, etc. Moreover, we consider any local land development issues such as zoning or other local ordinance matters, to be exclusively within the purview of East Whiteland Township. Please know that the Department takes no position with regard to how the Township responds to those issues.

Regarding the cleanup of the Bishop Tube Site itself, the Department's responsibility, under the Hazardous Sites Cleanup Act, is to select and assure a remedy that is protective of human health and the environment and otherwise complies with all statutory and regulatory requirements. As part of that process, the Department is presently under binding agreement with Johnson Matthey, Inc. and Whitaker Corporation to complete a comprehensive study of the entire Site, including all impacts to groundwater and surface waters, and to propose alternative ways to clean up the Site. We expect this study (referred to as a Remedial Investigation/Feasibility Study (RI/FS)) to be completed by Summer 2017. Once the RI/FS is complete, the Department will select a final remedy for the Site. The selection process will involve both a written public comment period and a local public hearing. We look forward to hearing from any and all members of the public as a part of that process.

In the meantime, CDP has expressed their intent to partner with the Chester County Economic Development Council (CCEDC) to apply for a grant under the Industrial Sites Reuse Program (ISRP) administered by the Department of Community and Economic Development (DCED). The proposal under the grant is to excavate the most highly contaminated areas of the Bishop Tube Property, transport these contaminated soils to an off-site disposal facility, and backfill the areas with clean fill.

April 20, 2017

While DCED will ultimately decide whether or not to issue the grant, the Department's responsibility in this process is to review the Scope of Work (SOW) to determine if the proposed activities will comply with all of the environmental statutes the Department administers. To date, we have reviewed and commented on versions of the SOW but have not yet issued any approval. Please know that we will be closely scrutinizing the SOW to ensure that all activities, including such issues as fugitive dust emissions, are conducted in a responsible and lawful manner. In addition, if an ISRP Grant is awarded, the Department will be overseeing remediation work to assure that it is conducted in a manner that conforms to the approved SOW.

Once again, please understand that any excavation and off-site disposal of contaminated soils conducted by CDP under an approved SOW pursuant to the proposed grant would not be a final remediation of the Site but would only be one potential step towards a final cleanup. As I said above, we are nearing completion of the final RI/FS for this Site and will be selecting final remedial action later in the year through a very public Administrative Record process.

We are also working to develop a public webpage where we can keep up-to-date information regarding the Department's oversight of the Site. We hope that it will go live within the next week or so. The page can be found by following the path: [dep.pa.gov](http://dep.pa.gov) > Regional Resources > Southeast Regional Office > Community Information > Bishop Tube

Thank you for your interest in this matter. I hope this information is helpful. If you have any questions or require additional information, please do not hesitate to contact Dustin Armstrong at 484.250.5723 or by e-mail at [darmstrong@pa.gov](mailto:darmstrong@pa.gov).

Sincerely,



Anderson Lee Hartzell  
Acting Regional Director

cc: Senator Andrew Dinniman  
Representative Duane Milne  
Mr. Nagle - East Whiteland Twp.  
East Whiteland Twp. EAC  
Chester County Health Department  
Re (rw17ec)109.5